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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case Number

2013-685

12 **ROBIN LYNN CAPOUCH**
a.k.a. **ROBIN CAPOUCH**
13 a.k.a. **ROBIN L CAPOUCH**
327 San Juan Grade
14 Salinas, California 93906

A C C U S A T I O N

15 **Registered Nurse License Number 481080**

16 Respondent.

17
18 Complainant Louise R. Bailey, M.Ed., R.N., alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

22 2. On or about August 31, 1992, the Board issued Registered Nurse License Number
23 481080 to respondent Robin Lynn Capouch, a.k.a. Robin Capouch, a.k.a. Robin L Capouch. This
24 registered nurse license expired on June 30, 1994, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 118, subdivision (b), provides:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
4 of a court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.”

9 5. Section 2750 provides:

10 “Every certificate holder or licensee, including licensees holding temporary licenses, or
11 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
12 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this
13 article, ‘license’ includes certificate, registration, or any other authorization to engage in practice
14 regulated by this chapter. The proceedings under this article shall be conducted in accordance
15 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
16 Government Code, and the board shall have all the powers granted therein.”

17 6. Section 2759 provides:

18 “The board shall discipline the holder of any license, whose default has been entered or
19 who has been heard by the board and found guilty, by any of the following methods:

20 “(a) Suspending judgment.

21 “(b) Placing him upon probation.

22 “(c) Suspending his right to practice nursing for a period not exceeding one year.

23 “(d) Revoking his license.

24 “(e) Taking such other action in relation to disciplining him as the board in its discretion
25 may deem proper.”

26 7. Section 2764 provides:

27 “The lapsing or suspension of a license by operation of law or by order or decision of the
28 board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the

1 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
2 against such license, or to render a decision suspending or revoking such license.”

3 STATUTORY AUTHORITY

4 8. Section 2761 provides, in pertinent part:

5 “The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 ...

9 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
10 against a health care professional license or certificate by another state or territory of the United
11 States, by any other government agency, or by another California health care professional
12 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
13 action.”

14 COST RECOVERY

15 9. Section 125.3 provides, in pertinent part:

16 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
17 proceeding before any board within the department or before the Osteopathic Medical Board,
18 upon request of the entity bringing the proceedings, the administrative law judge may direct a
19 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
20 to exceed the reasonable costs of the investigation and enforcement of the case.

21 ...

22 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
23 of investigation and enforcement of a case in any stipulated settlement.”

24 DRUGS

25 10. “Demerol” is a brand name for Meperidine. It is a Schedule II controlled substance
26 pursuant to Health and Safety Code section 11055, subdivision (c)(17), and a dangerous drug
27 pursuant to Business and Professions Code section 4022.

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11. "Percocet" is a brand name for Oxycodone (a synthetic opioid analgesic) with Acetaminophen. It is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL BACKGROUND

12. Respondent is a registered nurse in Minnesota under license number 124840-5.

13. In 2000, respondent failed to comply with monitoring of her chemical dependency and bipolar disorder by the Minnesota Health Professionals Services Program (HPSP). She also admitted to diverting Percocet for her personal use while assigned to a hospital in Minneapolis, Minnesota. Based on these and other acts, on or about December 8, 2000, the Minnesota Board of Nursing (Minnesota Board) issued a Stipulation and Consent Order taking the disciplinary action of suspending respondent's Minnesota nursing license.

14. On or about June 7, 2002, the Minnesota Board issued an Order to Reinstate License subject to limitations and conditions, including abstention from mood-altering chemicals and participation in HPSP.

15. On or about October 11, 2008, the Minnesota Board issued a Stipulation and Consent Order removing the limitations but continuing the conditions, including abstention from mood-altering chemicals and participation in HPSP.

16. On or about April 1, 2010, the Minnesota Board issued a Stipulation and Consent order again taking the disciplinary action of suspending respondent's Minnesota nursing license. This suspension was based on, among other acts, improper handling and diversion of Demerol in 2009 for her personal use.

CAUSES FOR DISCIPLINE

FIRST CAUSE FOR DISCIPLINE Unprofessional Conduct: Out-of-State Disciplinary Action Bus. & Prof. Code, § 2761, subd. (a)(4)

17. The allegations of paragraphs 12-16 are realleged and incorporated by reference as if fully set forth.

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1 18. Respondent has subjected her registered nurse license to disciplinary action under
2 section 2761, subdivision (a)(4), for the unprofessional conduct of sustaining a disciplinary action
3 by another state or territory of the United States or by any other government agency. As set forth
4 in paragraphs 12-16 above, in 2000 the Minnesota Board issued a Stipulation and Consent Order
5 taking the disciplinary action of suspending respondent's Minnesota nursing license for, among
6 other acts, failing to comply with monitoring of her chemical dependency and bipolar disorder by
7 the HPSP and diverting Percocet for her personal use.

8 **SECOND CAUSE FOR DISCIPLINE**
9 **Unprofessional Conduct: Out-of-State Disciplinary Action**
10 **Bus. & Prof. Code, § 2761, subd. (a)(4)**

11 19. The allegations of paragraphs 12-16 are realleged and incorporated by reference as if
12 fully set forth.

13 20. Respondent has subjected her registered nurse license to disciplinary action under
14 section 2761, subdivision (a)(4), for the unprofessional conduct of sustaining a disciplinary action
15 by another state or territory of the United States or by any other government agency. As set forth
16 in paragraphs 12-16 above, in 2010 the Minnesota Board issued a Stipulation and Consent Order
17 taking the disciplinary action of suspending respondent's Minnesota nursing license for, among
18 other acts, improper handling and diversion of Demerol for her personal use.

19 **PRAYER**

20 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
21 Accusation, and that following the hearing the Board issues a decision:

22 1. Revoking or suspending Registered Nurse License Number 481080 issued to Robin
23 Lynn Capouch, a.k.a. Robin Capouch, a.k.a. Robin L Capouch;

24 2. Ordering Robin Lynn Capouch, a.k.a. Robin Capouch, a.k.a. Robin L Capouch, to
25 pay the Board the reasonable costs of the investigation and enforcement of this case pursuant to
26 Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: February 27, 2013 *for* *Louise R. Bailey*
LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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